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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,476	07/01/2002	Jorg Peter Schur	von Kreisler.021	3376

110 7590 03/23/2006

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1601 MARKET STREET
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EXAMINER

LEVY, NEIL S

ART UNIT

PAPER NUMBER

1615

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060320

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Commissioner for Patents

The reply filed on 1/3/6 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): THE INVENTION EXAMINED WAS DIRECTED TO HARVESTED CROPS,; NOW AMENDED TO NON-ELECTED INVENTIONS, LEAVING NO CLAIM OF THE ORIGINALLY EXAMINED INVENTION LEFT FOR EXAMINATION See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Newly submitted claims 1-15, 17, 23-26 ARE directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: ORIGINALLY EXAMINED INVENTION WAS THAT ELECTED 10/03/03; POST HARVEST, with species examined as tobacco. Now, we have only wheat, PRE-HARVEST. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 1-15, 17, 23-26 stand withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

NEIL LEVY
Primary Examiner
Art Unit: 1615